

## REMARKS

In accordance with the foregoing, claims 1, 2, 6, 17, 28 and 36 have been amended. Claims 1, 2 and 5-38 are pending and under consideration. Claims 7, 13-16, 18-27, 29-33, and 37-38 are withdrawn.

Claims 1, 2, 5-6, 8-12, 17, 28, 34 and 36 are rejected. In accordance with the foregoing, the claims are amended solely in response to the Examiner's rejections under 35 U. S. C. 112, and thus the pending claims remain for reconsideration, which is respectfully requested.

No new matter has been added.

The Examiner's rejections are respectfully traversed.

### Rejections under 35 U. S. C. 112

In items 5-7 on page 3 of the Office Action the Examiner has rejected claims 1, 2, 5-6, 8-12, 17, 28, 34 and 36 under 35 U. S. C. 112, first paragraph, as failing to comply with the written description requirement and as failing to comply with the enablement requirement. In particular, the Examiner referenced the recitation of a first tamper resistant module. By this amendment, the claims have been amended to refer to "a Generic Tamper resistant module license (GT license)" and the recitation of the word "first" has been deleted. Therefore, it is submitted that the claims as amended, meet the requirements of 35 U. S. C. 112.

### Prior Art Rejection

In items 9-21 on pages 4-8 of the Office Action the Examiner has maintained the rejection of claims 1-2, 5-6, 8-12, 17, 28, 34 and 36 under 35 U. S. C. 103 as unpatentable over U. S. Patent Publication No. 2001/0018736 to Hashimoto et al.

### The Claims Patentably Distinguish Over the Prior Art

#### CLAIM 1

Claim 1, as amended, recites, in part: "an encrypting unit obtaining, from a Generic Tamper resistant module license (GT license) of a program, an access condition for accessing a memory region during an execution process of the program and a code decryption key for

decrypting an encrypted block configuring the program, by decrypting with the private key the first GT license of the program encrypted with a public key pairing with the private key.”

The Office Action, at page 4, relies upon Hashimoto, at paragraphs 74 and 75 to disclose the above features.

Paragraphs 74, 75 and 76 of Hashimoto state:

[0074] (1) A common key Kx selected by a program creator. The application program will be encrypted by the secret key cryptosystem using this key.

[0075] (2) A pair of a unique public key Kp and a unique secret key Ks provided inside the processor. The public key can be read out by the program by using instructions.

[0076] (3) An encryption key information in which the common key Kx of the program is encrypted by using the public key Kp of the processor.

In other words, Hashimoto discusses that a public key Kp is paired with a secret key Ks provided in a processor, and that a common key Kx is encrypted by using the public key Kp. The Office Action at page 4, asserts that Hashimoto’s common key Kx in paragraph 74 is similar to the claimed “license.”

However, Applicants respectfully submit that Hashimoto fails to disclose, either expressly or implicitly, the claimed “an encrypting unit **obtaining, from a Generic Tamper resistant module license (GT license)** of a program, **an access condition** for accessing a memory region during an execution process of the program and **a code decryption key** for decrypting an encrypted block configuring the program, by decrypting with the private key the GT license of the program encrypted with a public key pairing with the private key,” because Hashimoto fails to disclose, either expressly or implicitly, the claimed GT license, and, furthermore, Hashimoto merely discusses that a common key Kx is encrypted by using a public key Kp. In other words, the claimed “GT license” differs from Hashimoto’s common key Kx. In particular, the claimed “GT license” has, for example, “an access condition” and a “code decryption key.” One description of the GT license can be found, for example, at page 42, lines 10-17 of the Application Specification.

Accordingly, Applicant’s respectfully submit that a *prima facie* case of obviousness cannot be based upon Hashimoto, because there is no evidence that one skilled in the art would have modified Hashimoto’s common key Kx to provide the claimed “**Generic Tamper resistant module license (GT license)** of a program, [having] **an access condition** for accessing a memory region during an execution process of the program and **a code decryption key** for decrypting an encrypted block configuring the program.” It is also submitted that one skilled in

the art would not have seen a benefit of, for example, having “not only general versatility equivalent to a software TRM, but also safety equivalent to a hardware TRM” (see the Application specification, at page 4, lines 20-22).

Furthermore, Applicants respectfully request that in any response to this amendment, which does not allow the claims, the Examiner specifically provide a citation in the reference which discloses the claimed “encrypting unit **obtaining, from a first Generic Tamper resistant module license (GT license)** of a program, **an access condition** for accessing a memory region during an execution process of the program and **a code decryption key** for decrypting an encrypted block configuring the program, by decrypting with the private key the GT license of the program encrypted with a public key pairing with the private key” and provide a rational basis for supporting the rejection.

### **The Examiner’s Response to Arguments**

In items 3 and 4 on page 2 of the Office Action the Examiner responded to the arguments presented in the December 21, 2007 response by taking the position that “a first tamper resistant module does not seem to have support in the claims.” The Examiner questions whether there are additional tamper resistant modules.

As described above, the claims have been amended so that they no longer reference a first Generic Tamper resistant module license (GT license). Instead, the claims, as amended, recite “a Generic Tamper resistant module license (GT license).” Further, it is submitted that the claim features discussed above including the Generic Tamper resistant module license (GT license) patentably distinguish over the cited art. Reconsideration and withdrawal of the rejection is respectfully requested.

### **Claim 28**

Claim 28 is directed to a computer which includes:

an encrypting unit obtaining, from a Generic Tamper resistant module license (GT license) of a program, an access condition for accessing a memory region during an execution process of the program and a code decryption key for decrypting an encrypted block configuring the program, by decrypting with the private key the GT license of the program encrypted with a public key pairing with the private key;

Therefore, it is submitted that claim 28 patentably distinguished over the prior art.

#### **Claim 34**

Claim 34 is directed to a computer readable storage medium storing a method executed by a central processing unit for decrypting a program code according to operations comprising:

entering a Generic Tamper resistant module license (GT license) into the central processing unit before the program code is executed, wherein the GT license, which includes a code encryption key, is encrypted with a public key which is paired with a private key hidden within the central processing unit and is provided in correspondence with the program code;

decrypting the GT license is with the private key with the central processing unit; and

decrypting the program code with the code encryption key obtained from the GT license with the central processing unit.

Therefore, it is submitted that claim 34 patentably distinguishes over the prior art.

#### **Claim 36**

Claim 36 is directed to a central processing unit which includes:

encrypting means for obtaining, from a Generic Tamper resistant module license (GT license) of a program, an access condition for accessing a memory region during an execution process of the program and a code decryption key for decrypting an encrypted block configuring the program, by decrypting with the private key the GT license of the program encrypted with a public key pairing with the private key

Therefore, it is submitted that claim 36 patentably distinguishes over the prior art.

#### **The Dependant Claims**

Dependent claims 2, 5, 6, 8-12 and 17 recite patentably distinguishing features of their own or are at least patentably distinguishing due to their dependence from independent claim 1. Therefore, it is submitted that claims 2, 5, 6, 8-12 and 17 are in condition for allowance.

### Entry of this Amendment

The only claim amendments made by this amendment are in direct response to the Examiner's rejections and objections under 35 U. S. C. 112 in items 6 and 7 of the Office Action. Since the objectionable language has been removed, it is respectfully requested that this amendment be entered and considered.

### CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

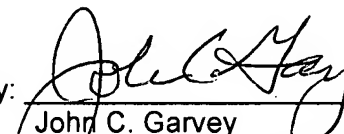
Respectfully submitted,

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